

Introduced by Senator Perata

February 22, 2005

An act to amend Section 65105 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 967, as introduced, Perata. Local planning: inspection warrants.

The Planning and Zoning Law authorizes local planning agency personnel, in the performance of their functions, to enter upon any land and make examinations and surveys, provided that they do not interfere with persons who are lawfully entitled to possession of those lands.

This bill would additionally authorize local planning agency personnel to request a specified inspection warrant that only applies to the exterior of places, dwellings, structures, and premises.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65105 of the Government Code is
2 amended to read:
3 65105. In the performance of their functions, planning agency
4 personnel may ~~enter upon any land and make examinations and~~
5 ~~surveys, provided that the entries, examinations, and surveys do~~
6 ~~not interfere with the use of the land by those persons lawfully~~
7 ~~entitled to the possession thereof.~~ *do either of the following:*
8 (a) *Request an inspection warrant pursuant to Title 13*
9 *(commencing with Section 1822.50) of Part 3 of the Code of Civil*
10 *Procedure. A warrant issued pursuant to this section shall apply*

1 *only to the exterior of places, dwellings, structures, and*
2 *premises. The warrant shall state the geographic area which it*
3 *covers and shall state its purposes. A warrant may authorize*
4 *planning agency personnel to enter property only to do either of*
5 *the following:*

6 *(1) Make examinations and surveys.*

7 *(2) Determine if decisions made pursuant to this title have*
8 *been complied with.*

9 *(b) Subject to the limitations of the United States Constitution*
10 *and the California Constitution, in the performance of their*
11 *functions, planning agency personnel may enter any property*
12 *without hindrance or notice to do either of the following:*

13 *(1) Make examinations and surveys.*

14 *(2) Determine if decisions made pursuant to this title have*
15 *been complied with.*